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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/004,994	JONES ET AL.
		Examiner	Art Unit	
		Ramy M. Osman	2157	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>13-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>13-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Status of Claims

1.   This communication is responsive to RCE amendment filed February 14, 2007, where

applicant amended claims 13,21-24, cancelled claims 1-12, and added new claims 25-30. Claims

13-30 are now pending.

Response to Arguments

2.   Applicant's arguments, filed 2/14/2007, with respect to claims 13-30 have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon

further consideration, a new ground(s) of rejection is made in view of Zhang et al (Patent

Publication No 2002/0174335) in view of Bahl et al (Patent No 6,834,341).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al**

(Patent Publication No 2002/0174335) in view of Bahl et al (Patent No 6,834,341).

5.   In reference to claims 13,21 and 23, Zhang in view of Bahl teaches corresponding

methods and communication system comprising:

receiving from a subscriber on an access network an authentication request, the

authentication request identifying the subscriber and identifying a designated service provider

from among a plurality of service providers (Zhang, ¶ 75);

sending the authentication request to the designated service provider (¶ 76);

receiving from the designated service provider an authentication response indicating

successful authentication of the subscriber by the designated service provider (¶ 81).

Zhang fails to explicitly teach: wherein the authentication response includes a service

qualification, that indicates at least one of (i) one or more types of services authorized for the

subscriber and (ii) one or more extents of service authorized for the subscriber;

responsive to the authentication response, assigning the subscriber to operate in a

designated layer of the access network set aside for subscribers that have been authenticated by

the designated service provider and to operate according to the service qualification; and

serving the subscriber in the designated layer of the access network.

However, Bahl teaches authentication responses from an authentication server, and

teaches that the concept of utilizing authentication in regulating network access is old and well

known in the art (Bahl, Abstract). Bahl discloses an authentication mechanism that sends a

response to an authentication request, where the response includes a service qualification, that

indicates at least one of (i) one or more types of services authorized for the subscriber and (ii)

one or more extents of service authorized for the subscriber (see at least column 10 lines 37-60

and column 13 lines 20-40 & 65-67). Bahl further discloses the authentication mechanism

assigning the subscriber to operate in a designated layer of the access network set aside for

subscribers that have been authenticated by the designated service provider and to operate

according to the service qualification; and serving the subscriber in the designated layer of the access network (see at least column 13 lines 35-67).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Zhang and make the service provider of Zhang utilize the authentication response mechanism of Bahl for the purpose of regulating network access by a variety of users.

6.   In reference to claim 14, Zhang in view of Bahl teaches the method of claim 13, wherein the access network is an IP network and the designated layer is an IP subnet, and wherein assigning the subscriber to operate in the designated layer comprises assigning to the subscriber an IP address in the IP subnet (Bahl, column 6 line 60 – column 7 line 10).

7.   In reference to claim 15, Zhang in view of Bahl teaches the method of claim 14, wherein serving the subscriber in the designated layer comprises handling communications with the subscriber according to a logic set established for the designated layer (Bahl, column 6 line 60 – column 7 line 10).

8.   In reference to claim 16, Zhang in view of Bahl teaches the method of claim 15, wherein handling communications with the subscriber according to the logic set established for the designated layer comprises: detecting a packet bearing the IP address assigned to the subscriber; and responsively applying the logic set to restrict transmission of the packet (Bahl, column 7).

9.   In reference to claim 20, Zhang in view of Bahl teaches the method of claim 13, wherein the access network comprises a wireless access (Bahl, column 2 lines 45-67).

10.   In reference to claims 22 and 24, Zhang in view of Bahl teaches the method of claim 20, further comprising:

        prompting a second client station to select a service provider from among a plurality of

service providers, and receiving a signal from the second client station, indicating a second

selected service provider (Bahl, column 9 lines 30-60);

sending a second authentication request message for the second client station to the

second selected service provider, the second authentication request message indicating

authentication information for the second client station (Bahl, column 2 line 55 – column 3 line

35 and column 11 line 55 – column 12 line 50);

receiving a first authentication response message from the second selected service

provider, the first authentication response message indicating that second client station is

authenticated by the first selected service provider (Bahl, column 2 line 55 – column 3 line 35

and column 11 line 55 – column 12 line 50); and

in response to the second authentication response message, restricting the client station to

communications in a second logical layer of the access network associated with the second

selected service provider (Bahl, column 2 line 55 – column 3 line 35 and column 11 line 55 –

column 12 line 50).

11.   In reference to claim 25, Zhang in view of Bahl teaches the method of claim 15, further

comprising:

before receiving the first indication, assigning the first subscriber to operate in a default

logical layer of the access network; and handling communications in the default logical layer

according to a default logic set different than the first logic set (Bahl, column 6 line 60 – column

7 line 10).

12.   In reference to claim 26, Zhang in view of Bahl teaches the method of claim 16, wherein

handling communications according to the default logic set comprises disallowing a certain type

of communication and handling communications according to the first logic set comprises

allowing the certain type of communication (Bahl, column 6 line 60 – column 7 line 10).

13.   In reference to claim 27, Zhang in view of Bahl teaches the method of claim 16, wherein

handling communications in the first logical layer according to the first logic set comprises:

disallowing a predetermined type of communication from passing from the first logical layer to

outside of the access network (Bahl, column 6 line 60 – column 7 line 10).

14.   In reference to claim 30, Zhang in view of Bahl teaches the method of claim 13, wherein

the subscriber communicates via an air interface with the access network (Bahl, column 2 lines

45-67).

15.   **Claims 17,28,29 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang**

et al (Patent Publication No 2002/0174335) in view of Bahl et al (US Patent No 6,834,341) in

further view of Cottingham (US Patent No 6,339,761).

16.   In reference to claims 17,28,29, Zhang in view of Bahl teach the method of claim 13,

wherein serving the subscriber in the designated layer of the access network comprises:

        a gateway on the access network detecting a web page being sent to the subscriber

(column 6 line 60 – column 7 line 10). Zhang fails to explicitly teach the gateway modifying the

web page to include an advertisement for the designated service provider. However, Cottingham

teaches an Internet Service Provider advertising system wherein is disclosed inserting

advertisements into provided web pages so that the ISP can target customers for business

(column 2 lines 20-67 and column 5 lines 33-67).

It would have been obvious for one of ordinary skill in the art to modify Bahl by injecting into the web page information specific to the first service provider as per the teachings of Cottingham so that the ISP can target customers for business.

17.   **Claims 18-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (Patent Publication No 2002/0174335) in view of Bahl et al (US Patent No 6,834,341) in furhter view of Schmuelling et al (US Patent No. 6,603,758).**

18.   In reference to claim 18, Zhang in view of Bahl teach the method of claim 13. Zhang fails to explicitly teach prompting the subscriber to provide the authentication request. However, Schmuelling teaches providing multiple service providers on a single network. Schmuelling discloses prompting the user to provide registration information to allow access through a service provider (Summary and column 7 lines 22-67).

It would have been obvious for one of ordinary skill in the art to modify Bahl by prompting the subscriber to provide the authentication request as per the teachings of Schmuelling for the purpose of allowing users to select a service provider from among a plurality of service providers on a single network.

19.   In reference to claim 19, Zhang in view of Bahl teaches the method of claim 18. Zhang fails to explicitly teach wherein prompting the subscriber for the authentication request comprises: presenting to the subscriber a set of the plurality of service providers; and prompting the subscriber to select a service provider from among the plurality presented, wherein the subscriber selects the designated service provider from among the plurality. However, Schmuelling teaches providing multiple service providers on a single network. Schmuelling

discloses prompting the user to provide registration information and for selecting a service

provider from a among a plurality of service providers to allow access to the network (Summary

and column 7 lines 22-67).

It would have been obvious for one of ordinary skill in the art to modify Bahl by

presenting to the subscriber a set of the plurality of service providers; and prompting the

subscriber to select a service provider from among the plurality presented, wherein the subscriber

selects the designated service provider from among the plurality as per the teachings of

Schmuelling for the purpose of allowing users to select a service provider from among a plurality

of service providers on a single network.

Conclusion

20.   Applicant is advised that the above specified citations of the relied upon prior art are only

representative of the teachings of the prior art, and that any other supportive sections within the

entirety of the reference (including any figures, incorporation by references, and claims) is

implied as being applied to teach the scope of the claims.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

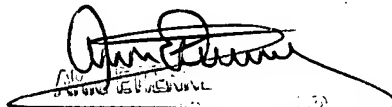The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
April 28, 2007